



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Stephanie L. Mattix, Treasurer
Storm Chasers PAC
P.O. Box 237
Monticello, IN 47960

AUG 12 2010

RE: MUR 6261

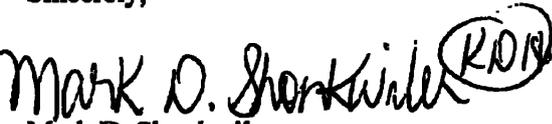
Dear Ms. Mattix:

On March 16, 2010, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On August 5, 2010, the Commission found, on the basis of the information in the complaint, and information you provided, that there is no reason to believe Storm Chasers PAC, and you, in your official capacity as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(a). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Kimberly D. Hart, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,


Mark D. Shonkwiler
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR 6261

RESPONDENTS: Storm Chasers PAC and Stephanie Mattix,
in her official capacity as treasurer

I. INTRODUCTION

MUR 6261 involves allegations that an organization associated with Congressman Stephen Buyer (“Buyer”), Storm Chasers PAC (“Storm Chasers”), a non-connected federal political committee operating as a leadership PAC, made excessive in-kind contributions to subsidize Buyer’s principal campaign committee, Hoosiers Supporting Buyer for Congress and Douglas E. Raderstorf, in his official capacity as treasurer (“Committee”), and/or Buyer’s lifestyle.

According to the complaint, this was accomplished by the Committee and Storm Chasers commingling their affairs and activities. It also alleges the entities shared an employee, Stephanie Mattix¹, and that Storm Chasers subsidized her work for the Committee. Buyer, the Committee and Mattix filed a joint response. Storm Chasers did not provide a response. In the Joint Response, Respondents maintain that the entities are operated separately and distinctly from one another, and that no disbursements by the

¹ Although the caption of the complaint names Ms. Mattix, our reading of the text of the complaint suggests that the allegations are with regard to her capacity as treasurer of Storm Chasers PAC and as an employee of the Committee and another organization.

1 Storm Chasers constituted an in-kind contribution to the Committee.²

2 Based on the available information, it does not appear that Storm Chasers made
3 any excessive in-kind contributions to Buyer or the Committee. Therefore, the
4 Commission found no reason to believe that Storm Chasers PAC and Stephanie Mattix,
5 in her official capacity as treasurer, violated 2 USC §441(a), and closed the file.

6 **II. FACTUAL AND LEGAL ANALYSIS**

7 **A. Factual Background**

8 Buyer has represented Indiana's 4th Congressional District since 2002. On
9 July 29, 2002, Storm Chasers, registered with the Commission as an unauthorized,
10 non-party, non-qualified political committee, of which Buyer is the Honorary Chairman.
11 Joint Response at ¶ 3. At different times, the Committee and Storm Chasers shared
12 common addresses at 200 North Main Street, Monticello, Indiana, and 103 West
13 Broadway, Monticello, Indiana. Joint Response at ¶ 4.

14 The Respondents acknowledge that the Committee and Storm Chasers employed
15 Ms. Mattix at various times in various paid and unpaid capacities. Joint Response at ¶ 9
16 and Foundation Response at 6. While it does not appear that Storm Chasers compensated
17 Ms. Mattix in connection with her treasurer duties, it paid her for the provision of
18 "fundraiser consultant" services on its behalf. See Commission disclosure reports.

19 The complaint is not entirely clear as to the alleged violations by Storm Chasers,
20 but it appears to suggest that alleged shared rental payments and salary disbursements to

² Respondents note that the Complainant relies upon an ethics complaint filed by Citizens for Responsibility and Ethics (CREW) with the Office of Congressional Ethics (OCE) against Congressman Buyer. According to Respondents, on March 26, 2010, the Board of the OCE dismissed CREW's ethics complaint and closed the matter with no further action. Media reports indicate that OCE did, in fact, dismiss the complaint, but did not provide details as to the reasons for the dismissal.

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1 Ms. Mattix by Storm Chasers were excessive in-kind contributions made to the
2 Committee in violation of 2 U.S.C. § 441a(a) that Storm Chasers failed to disclose in
3 violation of 2 U.S.C. § 434(b).

4 1. Office rental

5 As support for the allegation that the Committee and Storm Chasers commingled
6 their activities and affairs in order to support Buyer's campaign and lifestyle, the
7 complaint states that the Committee and Storm Chasers reside at the same physical
8 address. In its response, the Committee states generally that "[e]ach entity operated with
9 its own lease, office space, bank accounts, credit cards, business ledgers, accounting
10 systems, internal controls, payroll records, computer hardware and software, storage,
11 phone, supplies, legal counsel, and accounting service." Joint Response at ¶ 7. The Joint
12 Response specifically denies that Storm Chasers paid any portion of the rent for the office
13 space that any other entity leased at the same addresses, and provided their separate
14 telephone numbers. Joint Response at ¶ 4.

15 According to the Responses, during the tenancy at the 200 North Main Street,
16 Monticello, Indiana location, Storm Chasers paid \$200 per month and the Committee
17 paid \$250 per month. Joint Response at ¶ 4 and Commission disclosure reports. Upon
18 their 2009 relocation to 103 West Broadway, Monticello, Indiana, Storm Chasers paid
19 \$300 per month, and the Committee paid \$850 per month. *Id.*

20 2. Stephanie Mattix's Salary

21 The complaint alleges that the Committee and Storm Chasers each employed
22 Stephanie Mattix, and that Storm Chasers was operating for the benefit of Buyer and his
23 Committee. Complaint at ¶ 11.

1 **B. Analysis**

2 The primary issue presented by this matter is whether Storm Chasers made
3 excessive in-kind contributions in the form of disbursements for shared office space and a
4 shared employee (Mattix) that were intended to benefit the Committee.

5 Under the Act, political action committees (PACs) are allowed to contribute
6 \$5,000 annually to a candidate or his campaign committee. 2 U.S.C. § 441a(1)(C).
7 Treasurers of political committees must disclose the total amount of all receipts including
8 contributions and the total amount of all disbursements including expenditures. 2 U.S.C.
9 § 434(b)(2), (3) and (4).

10 1. Office rental

11
12 All the available information, including the Committee's and Storm Chasers' FEC
13 filings, confirms that the entities made separate payments for rental space. There is no
14 available information indicating that Storm Chasers paid any portion of the Committee's
15 office space. That the two entities had rental spaces in the same building is not sufficient
16 information to demonstrate that Storm Chasers is paying for any portion of the rental
17 space occupied by the Committee.

18 2. Mattix's Salary

19 The available information indicates that Mattix was employed at various times in
20 various capacities by the Committee and Storm Chasers. See Commission disclosure
21 reports. The entities' disclosure reports show regular monthly payments to Mattix from
22 the two entities at certain times. *Id.* That Mattix was employed and compensated by the
23 two entities for various duties and responsibilities does not, in and of itself, support the

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1 allegation. Thus, Complainant has provided no persuasive information demonstrating that
2 Storm Chasers compensated Mattix for work performed to benefit the Committee.

3 **III. CONCLUSION**

4 Based on an assortment of asserted facts, Complainant has drawn unsubstantiated
5 legal conclusions that have been sufficiently rebutted by the responses and public record.
6 The Commission has stated that “[u]nwarranted legal conclusions from asserted facts ...
7 or mere speculation ... will not be accepted as true,” and that “a complaint may be
8 dismissed if it consists of factual allegations that are refuted by sufficiently compelling
9 evidence produced in responses to the complaint.” Statement of Reasons, MUR 5141
10 (Moran for Congress), issued March 11, 2002.

11 Based on the foregoing, the Commission found no reason to believe that Storm
12 Chasers PAC and Stephanie Mattix, in her official capacity as treasurer, made excessive
13 in-kind contributions in violation of 2 U.S.C. § 441a(a) and failed to report them as
14 required by 2 U.S.C. § 434(b). Accordingly, the Commission closed the file.

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